

CHAPTER 170

SUBDIVISION REGULATIONS

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170.01 TITLE. This ordinance shall be known and cited as the “Subdivision Regulation Ordinance of the City of Indianola, Iowa.”

170.02 JURISDICTION. All plats of survey, plats, replats or subdivisions of land into three (3) or more parts for the purpose of laying out a portion of the City of Indianola, an addition thereto or suburban lots within two (2) miles of the corporate limits of the City for other than agricultural purposes shall be submitted to the Council and the Commission in accordance with the provisions of this chapter and shall be subject to the requirements established herein. This chapter shall regulate the subdividing of land within the City and all land within an area extending two miles beyond the corporate limits in accordance with the provisions of Section 354.9, Code of Iowa. *(Ord. 1239 – Feb. 03 Supp.)*

170.03 PURPOSE. The purpose of this chapter is to provide for the harmonious development of the City and adjacent territory by establishing appropriate standards for streets, blocks, lots, utilities and other improvements, by promoting coordination with existing development, and by establishing procedures and conditions for the approval of subdivisions of land, in accordance with the comprehensive plan, all in the interest of the health, safety and general welfare of the community.

170.04 DEFINITIONS. For the purpose of this chapter, the following terms and words are hereby defined. The word “building” as used herein includes the word “structure.”

1. “Alley” means a permanent public service way or right-of-way, designed to provide a secondary means of access to abutting property.
2. “Building line” means a line established on a plat as a restrictive covenant beyond which no building may be placed. The building lines need not correspond to the front, side, or rear yard requirement established in the Zoning Ordinance, and where they do not, the most restrictive requirement will control.
3. “Commission” means the Commission of Indianola, Iowa.
4. “City datum” — The official benchmark for the City is located northeast of the Warren County Courthouse on the square. The elevation of this benchmark is 968.91 feet above sea level.
5. “Cul-de-sac” means a short minor street having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.
6. “Easement” means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of such owner’s property.
7. “Final plat” means the map or drawing on which the subdivision plan is presented in the form which, if approved by the Council and the Commission, will be filed and recorded with the County Recorder.
8. “Preliminary plat” means a study or drawings indicating the proposed manner or layout of the subdivision which is submitted to the Council and the Commission for consideration.
9. “Separate tract” means a parcel of land or a group of contiguous parcels of land under one ownership.
10. “Street” means a right-of-way other than an alley dedicated or otherwise legally established to be accepted for the public use, usually affording the principal means of access to abutting property. A street may be designated as a street, highway, thoroughfare, collector, parkway, avenue, road, lane, drive, place or other appropriate designation.
11. “Thoroughfare” means a street intended for cross-county or through traffic.
12. “Collector street” means a street intended to carry vehicular traffic from residential streets to thoroughfares or traffic generators.

13. “Residential street” a street used primarily for access to abutting property.
14. “Commercial collector street” means a street used to carry traffic from residential collectors and thoroughfares to and through the commercial or business areas of the community.
15. “Street pavement” means the wearing or exposed surface of the street right-of-way used by vehicular traffic. The pavement width is measured from the back of the curb on one side to the back of the curb on the other side.
16. “Right-of-way” means the area measured between property lines, dedicated to and accepted for public use and providing access to abutting properties.
17. “Subdivider” means any person who shall lay out, for the purpose of sale or development, any subdivision or part thereof as defined herein, either for said person or others.
18. “Subdivision” means the division of a separate tract of land into three (3) or more lots or parcels for the purpose of transfer of ownership or building development or, if a new road is involved, any division of a parcel of land.
19. “Plat of survey” means the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.

(Ord. 1239 – Feb. 03 Supp.)

170.05 PRELIMINARY PLATTING PROCEDURE.

1. The owner or developer of any tract of land to be subdivided shall cause a preliminary plat to be prepared, a plat of the subdivision containing the information specified herein and shall file twelve (12) copies with the Clerk.
2. Preliminary plats shall be filed with the Clerk at least fifteen (15) days prior to scheduled Commission meetings. Adjoining property owners shall be notified of preliminary plats by first class mail at least ten (10) days prior to Commission meetings.
3. The Clerk shall immediately transmit three (3) copies of the preliminary plat to the Commission for study and recommendation.
4. The Commission shall examine the plat as to its compliance with this chapter, and the comprehensive plan of the City and shall have thirty (30) days to submit a recommendation to the Council provided that the owner or developer may agree to an extension of time not to exceed sixty

(60) days. A copy of the recommendation shall be forwarded to the owner or developer.

5. The Council, upon receipt of the Commission's recommendation, or after thirty (30) days, or any extension thereof shall have passed, shall by resolution grant approval or reject the preliminary plat. If the preliminary plat is rejected, the Council will advise the owner or developer of any changes which are desired or should have consideration before approval will be given. Upon making such changes, the developer may resubmit the preliminary plat for approval by the Commission and the Council. Approval of the preliminary plat by the Council shall constitute approval to proceed with the preparation of the final plat but shall not be deemed approval of the subdivision.

170.06 FINAL PLATTING PROCEDURE.

1. A final plat shall be submitted within six (6) months of the approval of the preliminary plat, or such approval shall expire and the preliminary plat shall be resubmitted for approval prior to the preparation of a final plat.

2. Procedures for final plats shall be the same as set out for preliminary plats in Section 170.05 above.

3. Upon approval of the final plat, a certification of approval signed by the Mayor and attested by the Clerk shall be affixed to the original tracing of the final plat and copies of the same filed with the Clerk, County Auditor and County Recorder, along with such other certifications and instruments as may be required by law.

4. Final platting of townhome lots and as built surveys shall be completed and recorded prior to occupancy of the units.

(Ord. 1415 – Aug. 08 Supp.)

170.07 PLATS OUTSIDE CORPORATE LIMITS. The procedure for approval of plats of survey, preliminary plats and final plats of land within two (2) miles of the corporate limits shall be the same as set out in Sections 170.05 and 170.06 above, except that seven (7) copies of the plat shall be filed with the Clerk and the Clerk shall refer one (1) copy to the County Engineer and one (1) copy to the County Planning and Zoning Commission and request their recommendations to be submitted to the Commission. The Commission shall have forty-five (45) days to submit a recommendation to the Council and shall not take action on the plat prior to receiving the recommendations of the County, provided that the County shall submit its recommendations within thirty (30) days after the referrals of the plat to the County Engineer and the County Planning and Zoning Commission.

(Ord. 1239 – Feb. 03 Supp.)

170.08 PROFESSIONAL ASSISTANCE. The City Council, the Commission or City staff may request such professional assistance as it deems necessary to properly evaluate the plats as submitted. The owner or developer shall reimburse the City for the reasonable expenses incurred by the City for all contracted professional engineering or consulting services. The Council shall not give final approval of a plat until the City has been reimbursed for the expenses.

170.09 PRELIMINARY PLAT REQUIREMENTS. The preliminary plat shall contain the following information:

1. A location map showing:
 - A. The subdivision name.
 - B. An outline of the area to be subdivided.
 - C. The existing streets and public or community utilities, if any, on adjoining property.
 - D. North point and scale.
2. A preliminary plat of the subdivision drawn to the scale of fifty (50) feet to one (1) inch, provided that if the resulting drawing would be over thirty-six (36) inches in its shortest dimension, a scale of one hundred (100) feet to one (1) inch may be used, said preliminary plat to show:
 - A. The legal description, acreage and the name of the proposed subdivision.
 - B. The name and address of the owner.
 - C. The name of the person who prepared the plat, and the date thereof.
 - D. The location of existing lot lines, streets, public utilities, water mains, sewers, drainpipes, culverts, watercourses, bridges, railroads and buildings in the proposed subdivision.
 - E. Contours at vertical intervals of not more than two (2) feet, based upon City datum, except that where the slope of the land exceeds twenty-five percent (25%), five (5) foot intervals shall be sufficient.
 - F. The location and widths, other dimensions and names of the proposed streets, utility easements and other open spaces or reserved areas.

- G. A statement concerning the location and approximate size or capacity of utilities proposed to be installed.
- H. Tract boundary lines showing dimensions, bearings, angles, and references to known lines or bench marks.
- I. The names and addresses of adjacent property owners.
- J. Proposed building lines.
- K. Grades of proposed streets.
- L. A cross-section of the proposed streets showing the roadway location, type and width of surfacing, the type drainage and other improvements to be installed.
- M. The location of proposed wells and/or water mains and sewage disposal system if a public or community system is used.
- N. The drainage of the land including proposed storm sewers, ditches, culverts, bridges and other structures.
- O. North point and graphic scale.
- P. The location and dimension of sidewalks to be installed.
- Q. A recommendation from the Warren County Soil Conservation District or the City's Public Service Director regarding the proposed plan, methods and/or techniques proposed for controlling erosion along new or altered surface drainage courses which will become a permanent part of the subdivision. Said recommendations shall also be obtained for the temporary methods and/or techniques to be used in controlling such erosion during construction and development of the subdivision. No preliminary plat shall be approved by the City until an acceptable erosion control plan shall have been prepared.

170.10 FINAL PLAT REQUIREMENTS. The final plat shall meet the following specifications:

1. It may include all or only part of the preliminary plat.
2. The plat shall be drawn to the scale of fifty (50) feet to one (1) inch, provided that if the resulting drawing would be over thirty-six (36) inches in its shortest dimension, a scale of one hundred (100) feet to one (1) inch may be used. A reproducible sepia shall be filed with the Clerk.
3. The final plat shall contain the following:

- A. Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one (1) foot in three thousand (3,000) feet.
- B. Accurate references to known or permanent monuments, giving the bearing and distance from some corner of a congressional division of the county of which the subdivision is a part.
- C. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
- D. Accurate metes and bounds description of the boundary.
- E. Street names.
- F. Complete curve notes for all curves included in the plat.
- G. Street right-of-way lines with accurate dimensions in feet and hundredths of feet with angles to right-of-way lines and lot lines.
- H. Lot numbers and dimensions.
- I. Accurate locations and descriptions of easements for utilities and any limitations on such easements.
- J. Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use.
- K. Building lines and dimensions.
- L. The location, type, material and size of all monuments and markers.
- M. The name of the subdivision.
- N. The name and address of the owner and the subdivider.
- O. North point, scale and date.
- P. Certification by a registered land surveyor of the State of Iowa.
- Q. Certification of dedication of streets, easements and other public property.
- R. A resolution and certificate of approval by the Council for signatures of the Mayor and Clerk, stating that the plat, as described, has been acted upon and approved as required by Chapter 354, Code of Iowa, and that all dedications of streets easements and public lands have been accepted by the City.

- S. Location and dimensions of sidewalks to be installed.
4. The final plat shall be accompanied by the following instruments:
- A. A certificate by the owner and spouse, if any, that the subdivision is with their free consent and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgments of deeds;
- B. Either (i) a certificate bearing the approval of the Council stating that all improvements and installations in the subdivision required by this chapter have been made or installed in accordance with the City specifications, or (ii) a certificate from the owner or developer stating that all improvements required by this chapter shall be made or installed in accordance with City specifications before an occupancy compliance certificate is issued under the Zoning Ordinance, except as otherwise provided for in this chapter.
- C. A petition by the subdivider to the Council to provide the necessary improvements and to assess the costs thereof against the subdivided property in accordance with the requirements regarding special assessments, provided, however, that the subdivider or property owners shall furnish the necessary waivers to permit the assessment of the entire cost of the improvement plus the necessary and reasonable cost of the assessment proceedings against the platted property even though the total amount exceeds the statutory limitations. The final plat shall state that the subdivider, the grantees, assignees and successors in interest agree that public services including but not limited to street maintenance, snow removal, rubbish, refuse and garbage collection will not be extended to this subdivision until the improvements have been completed and accepted by the City.
- D. A copy of restrictive covenants to be attached to the lots of the subdivision.
- E. A surety bond with the City which will insure that the erosion control measures as may herein be required will be undertaken promptly as development progresses. The form and type of bond shall be approved by the City Attorney and the amount of the bond shall not be less than the amount of the estimated cost of such improvements as determined by the City Engineer plus ten percent (10%), and approved by the City Council. In the event the required erosion control measures are

not installed promptly, the City may, in order to prevent possible soil erosion, use the bond or any necessary portion thereof to complete such improvements.

5. The final plat shall also be accompanied by the following at the time it is presented for filing:

A. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Section 354.12 of the Code of Iowa may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.

B. An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances.

C. A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the Code of Iowa.

The Council or Commission may request drafts or copies of any of the above instruments for examination at the time of processing the final plat if, in their opinion, the review of such instruments is deemed necessary to properly evaluate the proposed subdivision.

170.11 DESIGN STANDARDS — STREETS.

1. General Considerations.

A. The street and alley layout shall provide access to all lots and parcels of land within the subdivision.

B. Street jogs of less than 150 feet shall be avoided.

C. Cul-de-sacs shall not exceed 700 feet in length.

D. New subdivisions shall make provisions for continuation and extension of thoroughfares and collector streets and roads.

- E. No dead-end streets will be permitted except at subdivision boundaries and in no event shall any dead-end street be in excess of 500 feet.
 - F. Thoroughfare and collector streets in a subdivision shall extend through to the boundaries thereof, unless a terminal point within the subdivision is shown in the master street plan.
 - G. Alleys shall be discouraged in residential areas but shall be provided in commercial and industrial areas unless other suitable public or private access to loading and service areas is provided.
 - H. Intersection of road centerlines shall be between 80 degrees and 100 degrees.
 - I. Intersection of more than two (2) streets at a point shall not be permitted.
 - J. Where parkways or special types of streets are proposed, the Commission may apply special standards for the design of such parkways or streets.
 - K. Proposed streets that are extensions of or in alignment with existing streets shall bear the name of the existing street. Names of new streets shall avoid duplication of or similarity to existing names of streets, or public and semi-public buildings and areas.
- 2. Minimum rights-of-way shall be provided as follows:
 - A. Thoroughfares — 100 feet.
 - B. Residential collector streets — 70 feet.
 - C. Commercial collector streets — 80 feet.
 - D. Residential streets — 60 feet.
 - E. Cul-de-sacs — 110 feet in diameter.
 - F. Alleys — 20 feet.
 - 3. The minimum width of surfacing to be provided shall be as follows:
 - A. Reserved.
 - B. Reserved.
 - C. Commercial collector streets:
 - (1) Parallel parking — 49 feet.
 - (2) Angle parking — 61 feet.

- D. Residential street — 25 feet or 31 feet within the discretion of the Council.
 - E. Cul-de-sacs — 85 feet in diameter.
 - F. Alleys — 20 feet.
 - G. Sidewalks — 4 feet. *(Ord. 1294 – Aug. 04 Supp.)*
4. Grades. No street grade shall be less than one-half of one percent and shall not exceed the following limits:
- A. Thoroughfare streets — 4 percent.
 - B. Collector streets — 6 percent.
 - C. Residential streets — 8 percent.

170.12 DESIGN STANDARDS — BLOCKS.

- 1. The length of blocks shall be not less than 240 feet and not more than 1,250 feet in length.
- 2. Blocks shall be of sufficient width to permit two (2) tiers of lots of appropriate depth and in no case shall the width be less than 240 feet, except where a single tier of double frontage lots parallels a limited access highway, a thoroughfare, drainage course, railroad or other barrier, the width shall be not less than 50 feet.
- 3. Crosswalks may be required in blocks over 700 feet long or in areas where curbed streets require excessive out of the way travel. If required, they shall be constructed by the developer. Right-of-way for crosswalks shall not be less than 30 feet, nor more than 45 feet.

170.13 DESIGN STANDARDS — LOTS.

- 1. All lots shall abut on a street or place. Corner lots which abut on a thoroughfare or collector street shall have a minimum radius of 15 feet at the intersection.
- 2. Sidelines of lots shall approximate right angles to straight street lines and radial angles to curbed street lines except where a variation will provide better lot layout.
- 3. Lots with double frontage shall be avoided, except in specific locations where good planning indicates their use. In that event a planting screen shall be provided along the rear of the lot.
- 4. Corner lots shall not be less than 80 feet in width and interior lots shall not be less than 70 feet in width at the building line.
- 5. Lot depth shall not exceed 2½ times the width.

6. No lot shall have less area than required by the Zoning Ordinance for the district in which it is located.

170.14 EASEMENTS.

1. Easements not less than 7.5 feet in width shall be provided along each side of the rear lot lines of all lots, and along such other lot lines as may be required by public and private utility companies.
2. Easements of greater width may be required for trunk lines, pressure lines, open drainage courses or high voltage lines and shall be provided as determined by the utility or Council.
3. Utility easements shall convey to the City, its successors and assigns, the perpetual right within the areas shown on the plat and described in the easement, to construct, reconstruct, operate and maintain electric lines consisting of poles, wires, cables, conduits, fixtures, anchors and other similar equipment, including the right to trim or remove trees within such areas where necessary to secure a clearance of 4 feet from the wires or poles, together with the right to extend to any telephone, telegraph, electric or power company, the right to use separately or jointly with the City, the areas included in the easement for the purposes above enumerated.

170.15 PARKS, SCHOOL SITES AND PUBLIC AREAS.

1. In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other common areas for public use so as to conform to any recommendations of the City plan. Any provision for schools, parks and playgrounds should be indicated on the preliminary plan in order that it may be determined when and in what manner such areas will be provided or acquired by an appropriate taxing agency.

170.16 NATURAL DRAINAGE COURSES. Whenever any stream or important surface drainage course is located in an area which is being subdivided, the subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving or protecting the stream or drainage course.

170.17 EROSION CONTROL (DESIGN STANDARDS). Methods for controlling soil erosion shall be in accordance with established techniques and procedures of the Warren County Soil Conservation District or in accordance with the City's current standards and specifications for like or similar work. Erosion control measures may, where appropriate, include mulches, temporary

or permanent vegetative cover, the use of terraces, diversion ditches, impoundments, stilling basins, surface drainage pipe or other structures which will intercept, divert, retard or otherwise control runoff and soil erosion. Adequate sediment basins and other structures as might be necessary shall be provided to prevent soil from eroding onto streets, into drainage facilities or onto other property.

170.18 PLANNED DEVELOPMENTS.

1. Purpose. The purpose of this provision is to permit and encourage subdividers to utilize imaginative and innovative concepts in the design, layout and development of subdivisions.
2. Intent. It is not the intent of this provision to lessen the number, size, extent, or type of improvements required by this chapter, but to permit the reasonable and necessary modification of the requirements in order to allow development of subdivisions which do not utilize a conventional layout for blocks, lots, streets and other features. It is the intent of this provision that any such modification or change in requirements be in harmony with the spirit of this chapter.
3. Procedure. The procedure for the submission and approval of plats for planned developments shall be the same as for other plats as set forth elsewhere in this chapter.

170.19 SANITARY SEWERS. The subdivider shall at the subdivider's expense provide the subdivision with a complete sanitary sewer system including all necessary pumping stations, force mains, pumping equipment and other appurtenances. which shall connect with a sanitary sewer outlet or treatment facility approved by the Council. The sewers shall extend to the subdivision boundaries as necessary to provide for the extension of the sewers by adjacent property. Where sewers in excess of fifteen (15) inches in diameter are required, the additional cost shall be borne by the City.

170.20 PROHIBITED DISCHARGE. No storm water, surface water, ground water, roof runoff, swimming pool, subsurface drainage, cooling water or unpolluted water shall be discharged into the City sanitary sewer system. Any such discharge into the City sanitary sewer system shall be deemed a public nuisance and a municipal infraction.

170.21 STORM DRAINS.

1. The subdivider shall, at the subdivider's expense, provide the subdivision with adequate drains, ditches, culverts, complete bridges, storm sewers, intakes and manholes to provide the collection and

removal of all surface waters. These improvements shall extend to the boundaries of the subdivision so as to provide for extension by adjoining properties. Where oversized storm sewers or drainage structures are required to serve other areas of the watershed, the additional cost shall be borne by the developer.

2. The subdivider shall, at the subdivider's expense, provide the subdivision with a storm sewer system to adequately handle a five (5) year rain storm. The system shall include culverts, ditches, intakes, manholes, or any structure deemed necessary. All such structures shall meet the City of Indianola Standard Specifications. In addition, the subdivider shall, at the subdivider's expense, provide the subdivision with overland drainage courses and easements to adequately handle storm water in excess of a five (5) year rain storm and up to a 100-year rain storm. For any subdivision containing new streets, the system shall be designed by a licensed engineer registered to practice in the State of Iowa.

A. Each lot shall be provided with minimum six (6) inch diameter storm sewer service line that is a minimum of four (4) feet below ground level, stubbed to the property line, unless the Building Official determines that sump lines can be taken to an existing overland drainage area. The sump pump line shall be a minimum of one and a half (1½) inches in diameter.

B. The storm sewer system line shall be made of reinforced concrete pipe or polyvinyl chloride (PVC) pipe. The sump pump lines shall be made of PVC, PVC Truss, or PVC corrugated pipe. All structures shall be built in accordance with City of Indianola Standard Construction Specifications for Subdivisions.

C. The storm sewer system shall be large enough to provide for anticipated extension of use to serve additional areas, as set out in Indianola Comprehensive Plan.

D. Storm sewer service lines shall be connected to the City storm sewer system at intakes, manholes, or directly into the City storm sewer pipe. Tapping storm sewer service lines into the City storm sewers shall be by using approved methods.

Should it not be possible to install a storm sewer service, as described above, alternate plans may be submitted for review by the City's consulting engineer and City staff.

170.22 WATER. The subdivider shall at the subdivider's expense provide the subdivision with a complete water main supply system including hydrants, valves and other appurtenances which shall be extended into and through the subdivision to the boundary lines, and which shall provide a water connection for each lot, and shall be connected to the City water system. Fire hydrants shall be uniform throughout the subdivision and shall meet the standards and design approved by the Utilities Board of Trustees. Where water mains in excess of eight (8) inches are required, the additional cost shall be borne by the City if the area is zoned R-2 or R-3. If at the time the main is to be installed the area in question is zoned R-4, any commercial or any industrial classification, the subdivider may be required to put in a water main in excess of eight (8) inches at the subdivider's own expense. Whether the City shall pay a portion of the additional cost shall be discretionary with the Board of Trustees. Water mains shall extend to the boundaries of the subdivision so as to provide for extension by adjoining properties.

170.23 SIDEWALKS. The subdivider shall at the subdivider's expense provide a four-foot wide concrete sidewalk along each lot frontage prior to the occupancy of the structure on the lot except as otherwise provided herein. In commercial or industrial areas where it can be demonstrated that there will be limited or no need for sidewalks, the Council may waive or modify the requirement for the installation of sidewalks after review and report from the Commission. The Council may waive the sidewalk requirement on cul-de-sacs. Any such waiver shall not be acted upon until the Council has received the recommendation of the Commission.

170.24 MARKERS. The subdivider shall at the subdivider's expense place an iron rod not less than one-half inch in diameter and twenty-four (24) inches in length as follows:

1. Set in concrete three (3) feet deep at the intersection of all lines forming angles in the boundary of the subdivision, and at all street intersections.
2. At lot corners and changes in direction of block and lot boundaries.

170.25 GRADING. The subdivider shall at the subdivider's expense bring all streets and alleys with the platted area which are being dedicated for public use to the grade approved by the Council.

170.26 CURB AND GUTTER. The subdivider shall at the subdivider's expense install curb and gutter on all streets in the plat being dedicated for public use. Curb and gutter shall be constructed of Portland cement concrete in accordance with designs and specifications and at grades approved by the Council.

170.27 EROSION CONTROL (REQUIRED IMPROVEMENTS). The subdivider shall be responsible for controlling soil erosion and surface water runoff within the subdivision during its construction and development and shall provide erosion and runoff control measures as work progresses on site grading, the installation of sewers or other improvements or phases of work. Insofar as practical, erosion control measures shall be undertaken prior to any other development within the subdivision which will contribute to runoff or erosion.

170.28 SURFACING. The subdivider shall at the subdivider's expense surface all streets being dedicated for public use from curb to curb. Surfacing shall consist of not less than six (6) inches of Portland cement concrete over a prepared subgrade and shall be constructed in accordance with designs and specifications and at grades approved by the Council. Where a surface width in excess of thirty-one (31) feet is required, the cost of the additional surface width, which shall be assumed to be the center portion of the roadway surface, shall be paid by the City. On collector and thoroughfare streets where a higher standard than is herein required or a thickness of greater than eight (8) inches is deemed necessary by the Council, the additional cost shall be born by the City. Where unimproved street right-of-way exists the owner or developer at the owner's or developer's own expense shall improve such right-of-way as required by this section for the entire width of the lot or lots (or for the entire width and the length of the lot or lots in the case of lot or lots bordered by more than one street) prior to or contemporaneous with the development of the lot or lots. The owner or developer shall also improve all other portions of unimproved street right of way serving such areas.

170.29 SPECIFICATIONS. The type of construction, the materials, the methods, the standards of subdivision improvements and the maintenance bonds shall be in accordance with the specifications found in a bound volume which is entitled *Standard Construction Specifications for Subdivisions* which is on file in the Clerk's office. The Council may from time to time amend by resolution the standard construction specifications for subdivisions found in the volume. The Clerk shall keep a record of all amendments made to the specifications. Plans and specifications for subdivisions shall be submitted to the Building Official for approval prior to construction, and construction shall not be started until the plans and specifications have been approved. (*Ord. 1362 – Nov. 06 Supp.*)

170.30 APPROVAL OF PLANS AND SPECIFICATIONS. The approval of plans and specifications relative to improvements required by this chapter shall be effective for a period of two (2) years after the approval. If the required improvements are not in place and accepted by the City within the times specified, the approval shall lapse and construction shall not be started and construction under way shall cease until resubmitted plans and specifications have been approved. The City shall have the right, at the time of the new request for approval, to require the subdivider to use the type of construction, the materials, the methods and standard of subdivision improvements equal to the specifications of the City for like work which are in effect at that time. The City may also require that the subdivider comply with any amended ordinance or ordinances relative to improvements under this chapter or any successor chapter relative to subdivision improvements which have been adopted between the time of initial approval and the renewed approval as herein required. The reapproval as required by this section specifically applies only to the plans and specifications relative to subdivision improvements and has no application as to lot sizes, set backs, lot boundaries, street location or other platting requirements which shall be final on Council approval unless changed by some other method permitted by law.

170.31 INSPECTION. The subdivider or developer shall cause the installation of all improvements to be inspected to ensure compliance with the requirements of this chapter. The cost of the inspection shall be borne by the subdivider or developer. All inspection reports and certificates of compliance shall be filed with the Clerk before any improvements are accepted by the Council. Before accepting any portion of a sanitary sewer system and maintenance thereof which has been constructed under the provisions of Sections 170.19 and Section 170.29 above, the Council reserves the right to have all mains within the sewer system to be dedicated, televised in order to determine whether they have been properly constructed. The televising shall be at the expense of the subdivider or party making the dedication.

170.32 ACCEPTANCE. All of the improvements required in this chapter under Sections 170.19 through 170.28 shall, upon their completion, inspection, approval and acceptance by the City of Indianola, become the property of the City.

170.33 ELECTRIC SERVICE. The City, by and through Indianola Municipal Utilities, shall extend electric service to the subdivision and shall make electric service available to each lot in the subdivision that is within Indianola Municipal Utilities' assigned area of service pursuant to Iowa Code Chapter 476. The City, by and through Indianola Municipal Utilities, shall install street lighting that is within Indianola Municipal Utilities' assigned area

of service pursuant to Iowa Code Chapter 476 to current Indianola Municipal Utilities' standards and specifications. In residential subdivisions, all electric lines, including individual house service lines installed by the owner or developer, shall be placed underground. *(Ord. 1281 – May 04 Supp.)*

170.34 CHARGE FOR INSTALLATION OF ELECTRICAL SERVICE.

The City, by and through Indianola Municipal Utilities, reserves the right to make a reasonable charge to be paid by the developer, builder or owner for any service extended as provided by Section 170.33 above. Said charges may be changed from time to time, but shall be in accordance with a schedule of charges set by the Indianola Municipal Utilities Board of Trustees.

(Ord. 1281 – May 04 Supp.)

170.35 IMPROVEMENTS WITHIN THE TWO-MILE CONTROL AREA.

1. Improvements in the two-mile control area shall be the same as required above, provided they are not less than that required by the County subdivision policy, and provided further that all road and drainage construction plans shall be approved by the County Engineer, and completed roads shall be accepted by the Board of Supervisors for Public Maintenance. This subsection does not apply to plats of survey.

2. Where the subdivision contains sewers, sewage treatment plants, water supply systems, park areas, street trees or other physical facilities necessary or desirable for the welfare of the area and which are of common use or benefit and are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made by trust agreements, made a part of the deed restrictions acceptable to any agency having jurisdiction over the location and improvement of such facilities, for the proper and continuous maintenance and supervision of such facilities. This subsection does not apply to plats of survey.

(Ord. 1239 – Feb. 03 Supp.)

170.36 FEES. Each preliminary plat submitted for approval shall be accompanied by a fee of one hundred fifty dollars (\$150.00) and an additional charge of ten dollars (\$10.00) for each lot in excess of ten (10) included within the plat, which shall be credited to the General Fund of the City. Each plat of survey submitted for approval shall be accompanied by a fee of twenty-five dollars (\$25.00) which shall be credited to the General Fund of the City. In addition, each final plat submitted for approval shall be accompanied by a fee of seventy-five dollars (\$75.00) and an additional charge of five dollars (\$5.00) for each lot in excess of ten (10) included within the plat, which shall be

credited to the General Fund of the City.
(Ord. 1261 – Aug. 03 Supp.)

170.37 VARIANCES. Where the strict application of standards or requirements established by this chapter would cause substantial hardship or impose unreasonable restrictions on the development of a tract of land because of natural or physical conditions or limitations not created by the owner or developer, the Commission may recommend and the Council may grant such variances from these standards or requirements as may be necessary to permit the reasonable development of the land while preserving the intent of this chapter.

170.38 ENFORCEMENT. In addition to other remedies and penalties prescribed by law, the provisions of this chapter shall not be violated subject to the following:

1. No plat of survey, plat or subdivision in the City or within two (2) miles thereof shall be recorded or filed with the County Auditor or County Recorder, nor shall any plat or subdivision have any validity until it complies with the provisions of this chapter and has been approved by the Council as prescribed herein. *(Ord. 1239 – Feb. 03 Supp.)*
2. No more than two (2) building permits for principal structures issued for each separate tract existing at the effective date of this chapter unless the tract shall have been platted in accordance with the provisions contained herein except planned multiple-family, commercial or industrial complexes under a common ownership and constructed in accordance with an overall site development plan.
3. No public improvements over which the Council has control shall be made with City funds, nor shall any City funds be expended for street maintenance, street improvements, or other services in any area that has been subdivided after the adoption of the regulations in this chapter unless such subdivision and streets have been approved in accordance with the provisions of this chapter and the street accepted by the Council as a public street.
4. Any persons who shall dispose of or offer for sale or lease any lots in the City, addition thereto, or within one mile thereof until the plat shall have been approved, acknowledged and recorded as provided by this chapter and Chapter 354, Code of Iowa, shall forfeit and pay fifty dollars (\$50.00) for each lot or part thereof sold, disposed of, leased, or offered for sale.

5. No occupancy compliance certificate required by the Zoning Ordinance shall be issued until and unless all improvements required by this chapter have been made in accordance with the City's plans and specifications and accepted by the Council or as may otherwise be provided for elsewhere in this chapter.

170.39 AMENDMENTS. This chapter may be amended from time to time by the Council. Such amendments as may be proposed shall first be submitted to the Commission for study and recommendation. The Commission shall report within thirty (30) days, after which the Council shall give notice of and hold a public hearing on the proposed amendment. The amendment shall become effective from and after its adoption and publication as required by law.

170.40 CONDITIONS REQUIRING A SIXTY FOOT BUFFER PARK.

1. Platting of vacant land into single- or multi-family residential lots that lie adjacent to M-1 (Limited Industrial) or M-2 (General Industrial). In the case where M-1 or M-2 lies adjacent to public road or right-of-way, a 30' buffer park shall be required constructed parallel along the entire width of the parcel adjacent to the public road or right-of-way provided the buffer does not conflict with Section 165.10 paragraph 1. *Visibility at Intersection* of the zoning ordinance. The buffer park shall be completed prior to the issuance of any certificate of occupancy within the platted area.

2. Platting of vacant land into M-1 (Limited Industrial) or M-2 (General Industrial) lots that lie adjacent to single- or multi-family lots. In the case where M-1 or M-2 lies adjacent to public road or right-of-way, a 30' buffer park shall be required constructed parallel along the entire width of the parcel adjacent to the public road or right-of-way provided the buffer does not conflict with Section 165.10 paragraph 1. *Visibility at Intersection* of the zoning ordinance. The buffer park shall be completed prior to the issuance of any certificate of occupancy within the platted area.

(Ord. 1454 – Nov. 10 Supp.)

170.41 SIXTY FOOT BUFFER PARK REQUIREMENTS.

1. Buffer parks not less than sixty (60) feet in width shall be designed by a registered Landscape Architect, Architect or Engineer with earth berming and landscape plantings. The plantings shall be predominantly of evergreen type trees and shrubs to assure year round effectiveness. The earth berming shall be a minimum height of five (5) feet above the top of the curb of the adjoining parking lot, if applicable, or public thoroughfare, and shall be pleasing to the general public.

Berms may be required to be higher if the minimum height is identified during the development review process as being inadequate to provide effective screening and buffering. The berm shall be designed such that it does not negatively affect the drainage of the surrounding area.

2. In addition to earth berming, the following standards shall be required for landscape plantings: The equivalent of one (1) overstory tree and three (3) shrubs per thirty-five (35) linear feet of buffer park. Deciduous trees shall have a minimum of 2.5 inch caliper. Evergreen trees shall be a minimum of six (6) feet in height and will be equal to one (1) overstory tree. Shrubs shall be a minimum size of 18-24 inches in height. Whenever practical, existing trees and shrubs shall be preserved and incorporated into the overall design of the buffer park and can be included in the total number of required trees and shrubs, if it is determined during the development review process that the existing trees will provide the necessary screening and buffering. Substitution of plant materials will be allowed at the following rate: two (2) ornamental trees or five (5) shrubs may be substituted for one (1) overstory tree. In no case shall the substitution of overstory trees be in excess of fifty (50) percent of the required number.

170.42 CONDITIONS REQUIRING A THIRTY FOOT BUFFER PARK.

1. Platting of vacant land into single-or multi-family residential lots that lies adjacent to C-1 (Shopping Center) or C-2 (Highway Commercial). The buffer park shall be completed prior to issuance of any building permits within the platted area.
2. Platting of vacant land into C-1 (Shopping Center) or C-2 (Highway Commercial) that lies adjacent to residentially zoned property. The buffer park shall be completed prior to issuance of any building permits within the platted area.

170.43 THIRTY FOOT BUFFER PARK REQUIREMENTS. A buffer park of not less than thirty (30) feet in width shall comply with the standards set forth for the sixty (60) foot buffer parks except for the following:

1. The equivalent of one (1) overstory tree, two (2) ornamental trees and six (6) shrubs per thirty-five (35) linear feet of the buffer park. Deciduous overstory trees shall be a minimum 3 – 3.5 inches caliper and two (2) evergreen trees with a minimum height of six (6) feet shall be equal to one (1) overstory tree. Ornamental trees shall be a minimum of 2 – 2.5 inches caliper in size. A six (6) foot evergreen tree may also be substituted for one (1) ornamental tree. Shrubs shall be a minimum size

of 18 - 24 inches. The earth berming shall be a minimum height of three (3) feet and shall be designed not to negatively effect the drainage of the surrounding area.

2. Two (2) ornamental trees or five (5) shrubs may be substituted for one (1) overstory tree.

170.44 BUFFER PARK MISCELLANEOUS.

1. Plans for the buffer park shall be identified as an easement and submitted for review and approval at the same time as the preliminary plat. The developer of the subdivision shall be required to install and maintain the buffer plantings for a period of one (1) year from the date of completion. At the end of the one-year time period, the developer shall replace any plant materials that have not survived. Upon acceptance by the City, the property owner shall assume the responsibility for maintenance.

2. Where one of the two different zoning districts requiring the buffer park between them and one of the properties is developed without buffering provisions, the developer of the vacant land shall assume the burden of the entire park.

3. The Architect or Engineer designing the buffer park shall review the City of Indianola Comprehensive Plan for any possible extension or connection to the City's bike and walking trails.

4. The City Council reserves the right to waive or modify to a lesser restriction of any provision or requirement of buffers, provided a favorable recommendation by the Planning and Zoning Commission is given, provided the waiver or modification does not adversely affect the intent of the regulation. Things that can be considered include, but are not limited to the future development as shown by the current Comprehensive Plan and the compatibility or non-compatibility of permitted uses in adjacent but different zoning classifications.

